

# AGRICULTURAL CONSULTANTS

## “AN ACT AUTHORIZING THE STATE PLANT BOARD TO LICENSE AGRICULTURAL CONSULTANTS; AND FOR OTHER PURPOSES.”

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

### SECTION 1. (17-46-101) Title.

This Act shall be known as "The Agricultural Consultants Licensing Act of 1987".

### SECTION 2. (17-46-102) Purpose.

It is the intent of the General Assembly that the agricultural community continue to have a choice of seeking the advice of whomever they choose regarding the areas indicated in this Act as the functions of licensed agricultural consultants. It is also the General Assembly's intent that by providing a mechanism whereby persons may be licensed by the State Plant Board as agricultural consultants, they may thereby hold themselves out as "licensed agricultural consultants" which will inform the public that they have met the qualifications required by this act.

### SECTION 3. (17-46-103) Functions of Licensed Agricultural Consultant.

A licensed agricultural consultant is a person who is licensed by the State Plant Board to perform the following functions:

- Provide advice or prescriptions for the control or eradication of any insect or mite pest;
- Provide advice or prescriptions for the control or eradication of any plant pathogen, including nematodes;
- Provide advice or prescriptions for the control or eradication of any weed; and
- Provide advice or prescriptions for the use of fertilizer, lime, and/or micronutrients based on soil classification and cropping systems and soil or plant tests.

### SECTION 4. (17-46-104) Inapplicable to Forestry Consultants.

This Act shall in no way apply to *forestry consultants* or in any way restrict or regulate *forestry consultants*.

### SECTION 5. (17-46-105) Penalty.

Any person who holds himself out as a licensed agricultural consultant and who is not licensed as such by the State Plant Board shall be subject to a fine not to exceed one hundred dollars (\$100.00) for the first offense and not to exceed five hundred dollars (\$500.00) for subsequent offenses.

### SECTION 6. (17-46-106) Administration.

The State Plant Board shall:

- Administer and enforce this Act;
- Promulgate, pursuant to the Administrative Procedure Act,(Act 434 of 1967 as now or hereafter amended), regulations necessary for the implementation of this Act;
- Establish annual license fees not to exceed fifty dollars (\$50.00);
- Formulate criteria for continuing educational training of licensed agricultural consultants in cooperation with the Cooperative Extension Service; and
- Revoke or suspend any agricultural consultant's license for cause.

### SECTION 7. (17-46-107) Requirements for Licensing.

No person shall be licensed as an agricultural consultant unless he furnishes satisfactory evidence that he meets at least one (1) of the following requirements:

- Holds a Master's or Ph.D. Degree from a college or university acceptable to the State Plant Board in appropriate agricultural disciplines and passes a written examination administered by the State Plant Board; or
- Holds a Bachelor's Degree from a college or university acceptable to the State Plant Board with at least twelve (12) semester hours of credit or its equivalent in appropriate agricultural disciplines and has one (1) year of experience in the field of crop, livestock and poultry management and passes a written examination administered by the State Plant Board; or
- Has completed two (2) full years of training from a college or university acceptable to the State Plant Board with at least nine (9) semester hours of credit or its equivalent in appropriate agricultural disciplines and has three (3) years of experience in the field of crop management and passes a written examination administered by the State Plant Board.

**SECTION 8.**

Any person who has a Bachelor, Masters or PhD Degree in appropriate agricultural disciplines and has three years of experience in the field of crop, livestock and poultry management immediately preceding the effective date of this Act shall be issued a license without examination, if such information is provide to and verified by the State Plant Board within twelve months after the effective date of this Act. Any person who does not have such a degree, but has at least three or more years of experience immediately preceding the effective date of this Act, may be licensed upon passage of a written examination administered by the State Plant Board.

**SECTION 9. (17-46-108) Issuance of License - Expiration.**

If the educational qualifications are met, all required examinations are successfully passed, and all required fees paid, a license shall be issued by the State Plant Board. The licenses shall expire on December 31 of each year unless sooner revoked, canceled, or suspended by the Board for cause and shall be renewable pursuant to board rules. No license issued by the Board shall be assignable or transferable.

**SECTION 10. (17-46-109) Promotional Compensation Restricted - Exception.**

No licensed agricultural consultant shall accept money or any other thing of value in excess of two hundred dollars (\$200.00) from any person or entity for recommending or otherwise promoting a particular product by virtue of his position as a licensed agricultural consultant. *However, this section shall not be construed or interpreted as prohibiting licensed agricultural consultants from engaging in and receiving compensation for agricultural research.* The Board may suspend or revoke the license of any person which the Board determines to have violated this section.

**SECTION 11. (17-46-110) Disposition of Fees.**

All fees collected by the Board under this Act shall be deposited into the State Treasury as special revenues and credited to the State Plant Board Fund.

All laws and parts of laws in conflict with this Act are hereby repealed.